HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT APPEAL NO. 2450 OF 2005

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Between:

Smt. K. Satya Sampurna.

…… Appellant/Respondent-4

And

Madduri Shiva Shankar and others.

……Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri K. Panduranga Rao

Counsel for Respondents 1&2: Sri C. Dhanunjaya

Counsel for Respondents 3 to 5: Government Pleader for Revenue

Dated: 23-12-2005

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 17-10-2005 passed by the learned single Judge in W.V.M.P No. 2187 of 2005 and W.P.M.P No. 19558 of 2005 in Writ Petition No. 15406 of 2005 whereby he declined to vacate ad interim order dated 15-07-2005 solely on the ground that in Second Appeal No. 450 of 2005, the learned Judge has granted order of status quo.

On 19-12-2005, we have directed listing of this appeal along with the record of Second Appeal No. 450 of 2005. The needful has been done.

We have heard the learned counsel for the parties and carefully perused the record of this appeal along with the record of W.V.M.P No. 2187 of 2005, W.P.M.P No. 19558 of 2005, Writ Petition No. 15406 of 2005 and Second Appeal No. 450 of 2005.

Admittedly, the appellant is not a party in the second appeal. Therefore, the order of status quo passed by the learned Single Judge in that appeal could not have been made basis for non-consideration of her prayer for vacating the ad interim order passed in W.P.M.P No. 19558 of 2004. In our view, the learned Single Judge

should have considered the appellant's prayer in the backdrop of the averments contained in the application and record of Writ Petition No. 15406 of 2005 without being influenced by the order of status quo passed in Second Appeal No. 450 of 2005.

In the premise aforesaid, we allow the appeal and set aside the order dated 17-10-2005 passed by the learned Single Judge with a direction that W.V.M.P No. 2187 of 2005 be listed before the learned Single Judge for consideration and disposal on merits.

While deciding the appeal in the manner indicated above, we make it clear that we deliberately refrained from commenting the merits of the appellant's prayer and the order of status quo passed in Second Appeal No. 450 of 2005. The record of second appeal may now be detagged from the file of this case and be listed before appropriate Bench as per roaster.

G.S. SINGHVI, CJ

R. SUBHASH REDDY, J

23-12-2005

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